

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

2024 APR 18 AM 10:13

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST DIV. COLUMBUS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

NICHOLAS P. DUTY

Defendant.

CASE NO.

2:24-CR-60

JUDGE

Morrison

INDICTMENT

18 U.S.C. § 1519

THE GRAND JURY CHARGES:

INTRODUCTION

At times material to this Indictment:

1. The defendant, **NICHOLAS P. DUTY**, worked as a police officer for the Columbus Division of Police (“CPD”), a law enforcement agency in Columbus, Ohio.
2. **NICHOLAS P. DUTY** was on duty, wearing a police uniform, in a marked police vehicle, and assigned a Body Worn Camera (“BWC”).
3. **NICHOLAS P. DUTY** was required to comply with CPD policies and procedures for wearing a division-issued BWC, including the following Division Directives, which he signed and acknowledged on or about June 30, 2018, December 1, 2020, April 30, 2021, and September 30, 2023:

- a. **Division Directive 11.07(II)(A)(1):** Sworn personnel assigned a BWC shall wear the BWC and have it powered on while on duty[.]
- b. **Division Directive 11.07(B)(1)(b)(1):** Sworn personnel shall activate the BWC prior to exiting their vehicle, or if not in a vehicle, prior to approaching an

individual, for all self-initiated enforcement actions, investigative activities, and citizen contacts or any time citizen contact is likely to occur.

- c. **Division Directive 11.07(B)(1)(b)(2):** Sworn personnel shall activate the BWC as soon as it is reasonable and safe to do so any time a citizen initiates contact.
- d. **Division Directive 11.07(M):** Sworn personnel shall continue recording until the enforcement activity or encounter has ended, or until they are ordered/permitted to stop recording by a sworn supervisor.
- e. **Division Directive 11.07(V):** If sworn personnel do not record the entire contact, justification shall be expressed verbally on the BWC before turning it off when it is safe and practical to do so.
- f. **Division Directive 11.07(W):** Sworn personnel shall re-activate the BWC when applicable if they re-engage suspects/citizens.
- g. **Division Directive 11.07(Z):** Personnel shall not tamper with, erase, alter, or destroy any original recorded section of video or audio.

**COUNT ONE**

(Destruction, Alteration, or Falsification of Records)

- 4. Paragraphs 1 through 3 are incorporated herein.
- 5. On or about October 31, 2023, in the Southern District of Ohio, the defendant,

**NICHOLAS P. DUTY**, acting in relation to and in contemplation of a matter within the jurisdiction of Homeland Security Investigations and the Federal Bureau of Investigation, departments and agencies of the United States, knowingly altered, concealed, covered up, and falsified a record with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, the defendant, **NICHOLAS P. DUTY**, knowingly altered, concealed, covered up, and falsified a CPD record by deactivating his BWC during an interaction with Jane Doe One.

**In violation of 18 U.S.C. § 1519.**

**COUNT TWO**

(Destruction, Alteration, or Falsification of Records)

6. Paragraphs 1 through 3 are incorporated herein.
7. On or about March 22, 2024, in the Southern District of Ohio, the defendant, **NICHOLAS P. DUTY**, acting in relation to and in contemplation of a matter within the jurisdiction of Homeland Security Investigations and the Federal Bureau of Investigation, departments and agencies of the United States, knowingly altered, concealed, covered up, and falsified a record with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, the defendant, **NICHOLAS P. DUTY**, knowingly altered, concealed, covered up, and falsified a CPD record by removing and obscuring his BWC during a sexual encounter with Jane Doe Two.

**In violation of 18 U.S.C. 1519**

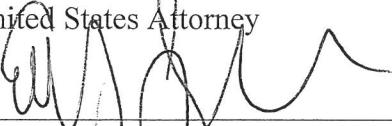
**A TRUE BILL.**

S/ Foreperson

**FOREPERSON**

**KENNETH L. PARKER**

United States Attorney



**EMILY CZERNIEJEWSKI (IL 6308829)**

**KEVIN KELLEY (OH 0042406)**

Assistant United States Attorneys